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**DEC 27 2006**

**OFFICE OF PETITIONS**

In re Application of :  
David J. Vining et al :  
Application No. 09/856,683 : **DECISION GRANTING PETITION**  
Filed: August 23, 2001 : **UNDER 37 CFR 1.313(c)**  
Attorney Docket No. 0101-P01789US1 :

This is a decision on the petition under 37 CFR 1.313(c), filed December 22, 2006, which is being treated as a petition under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination), filed on December 26, 2006. See 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on March 16, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>***

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter will be retained in the Office of Petitions for appropriate action in due course on the petition under 37 CFR 1.182 to withdraw a previously-filed terminal disclaimer.

  
Frances Hicks  
Petitions Examiner  
Office of Petitions

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<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment.